

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED-CLERK
U.S. DISTRICT COURT
2007 JUN -4 PM 4:09
TEXAS-EASTERN

ANTHONY J. BALISTRERI

Plaintiff,

v.

METROPOLITAN LIFE
INSURANCE COMPANY,

Defendant.

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BY _____

CASE NO. 4:06cv129

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 14, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Voluntary Dismissal without Prejudice be GRANTED and that the above titled and numbered cause of action be DISMISSED WITHOUT PREJUDICE and that Plaintiff should pay all ^{his} ~~its~~ costs and all costs incurred by Defendant herein.

The Court, having made a *de novo* review of the objections raised by Defendant and by the Plaintiff regarding the awarding of costs to Defendant, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Defendant and Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

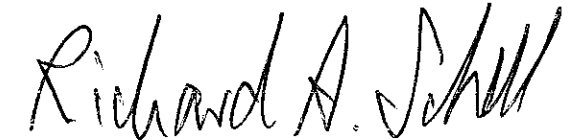
It is, therefore,

ORDERED that the Plaintiff's Motion for Voluntary Dismissal without Prejudice is **GRANTED** and the Plaintiff's case is **DISMISSED WITHOUT PREJUDICE**.

It is further,

ORDERED that Plaintiff pay all ^{his}~~its~~ costs and all costs incurred by Defendant herein.

SIGNED this 1st day of June, 2007.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S". The signature is written above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE